

III. REMARKS

1. Claims 33-42 and 44-62 remain in the application. Claims 1-32 and 43 have been cancelled without prejudice. Claims 33-42, 44-47, 50, 52, 53, 55, 57, 59, and 62 have been amended. Support for the amendments may be found, for example, in the published specification in paragraphs [0066] and [0078].

2. Applicants respectfully submit that claims 33-42, 50-56, and 58 are not anticipated by Treyz et al. (US 6,587,835, "Treyz") under 35 USC 102(e).

Treyz fails to disclose or suggest

a digital collectible card associated with a user of the apparatus, the digital collectable card having features specified according to characteristics of the apparatus stored on a remote server; and

a memory configured to store the specified features of the digital collectable card,

as substantially recited by claims 36 and 55.

Treyz also fails to disclose or suggest

specifying features of the first digital collectable card according to characteristics of a first apparatus stored on the remote server;

the first apparatus configured to store the specified elected features of the first digital collectible card

as recited by claim 50.

Treyz is directed to a handheld computing device that provides a user with shopping assistance services. Trez differs from the present claims because the present claims teach specifying features of the first digital collectable card according to characteristics of a first apparatus. The characteristics are stored on the remote server. The first apparatus is configured to store the selected features of the card. Paragraph [0073] of the present specification explains how a

terminal profile 66 on server 14 affects the display of the digital card and that a mobile terminal receives a card that has features according to the profile for that terminal.

Trez's system includes a handheld computing device that is used to interact with merchants, service providers, and other entities. The handheld device may present information about a merchant or service provider including their products and prices and may allow a user to purchase the products and perform other financial transactions. However, Trez does not store apparatus characteristics on a remote server, and does not specify features of a digital collectable card according to the characteristics of the apparatus.

Applicants respectfully submit that this is a structural difference over Trez. Trez has no such remote server and no such specification of features performed according to apparatus characteristics.

At least for these reasons, Applicants submit that Trez does not anticipate independent claims 36, 50, and 55 and dependent claims 33-35, 37-42, 51, 52, 56 and 58.

3. Applicants respectfully submit that claims 33-42, 50-56, and 58 are patentable over the combination of Trez and Filler et al. (WO 00/11827, "Filler") under 35 USC 103(a).

The combination of Trez and Filler fails to disclose or suggest:

a digital collectible card associated with a user of the apparatus, the digital collectable card having features specified by a remote server according to characteristics of the apparatus stored on the remote server,

as substantially recited by claims 36 and 55.

The combination of Trez and Filler also fails to disclose or suggest:

a remote server for selecting features of the first digital collectable card according to characteristics of a first apparatus stored on the remote server,

as recited by claim 50.

Trez fails to disclose or suggest these features for the reasons argued above. Filler fails to supply the features of claims 36, 50, and 55 missing from Trez. Filler discloses a network

based system for distributing, collecting, playing, and trading digital trading cards. However, Filler has no remote server for storing characteristics of an apparatus and no disclosure related to selecting features of the first digital collectable card according to the characteristics of the apparatus.

Therefore, because neither reference discloses these features, the combination of Treyz and Filler fails disclose or suggest these features and fails to render independent claims 36, 50, and 55, and dependent claims 33-35, 37-42, 51, 52, 56 and 58 unpatentable.

4. Applicants respectfully submit that claims 44-49, 57, and 59-61 are patentable over the combination of Treyz, Filler, and Yu et al. (US 6,684,087, "Yu") under 35 USC 103(a).

The combination of Treyz, Filler, and Yu fails to disclose or suggest:

specifying features of a digital trading card according to characteristics of a first apparatus stored on a remote server,

as substantially recited by claim 45, 57, and 59.


The combination of Treyz and Filler fails disclose or suggest these features for the reasons argued above. Adding Yu fails to remedy this deficiency. Yu is directed to a server that segregates images into smaller portions that may be downloaded to a mobile device for display. However, Yu has no disclosure related to specifying features of a digital collectable card according to characteristics of an apparatus.

Because neither Treyz, Filler, nor Yu disclose or suggest specifying features of a digital trading card according to characteristics of a first apparatus stored on the remote server, the combination of Treyz, Filler, and Yu cannot disclose or suggest these features and thus fails to render claims independent claims 45, 57, and 59, and dependent claims 44, 46-49, 60 and 61 unpatentable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


Joseph V. Gamberdell, Jr.
Reg. No. 44,695

3 June 2009
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512